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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,104	10/20/2003	R. Glenn Akhavein		4253
7590	10/03/2005		EXAMINER	
R. Glenn Akhavein 5112 Coral Blvd. Bradenton, FL 34210			SCHNEIDER, CRAIG M	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/689,104	AKHAVEIN, R. GLENN
	<b>Examiner</b>	<b>Art Unit</b>
	Craig M. Schneider	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 18 is/are rejected.
- 7) Claim(s) 5-17 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: Page 12, line 14 has a spelling error "syst m" should be --system--.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "70" and "71" have both been used to designate inlet cap opening. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "71" and "72" have both been used to designate outlet cap opening. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

#### ***Claim Objections***

5. Claim 3 is objected to because of the following informalities: "said common chamber" lacks proper antecedent. Appropriate correction is required.

6. Claim 19 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 19 has not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- I. The conjunction recited throughout the claims "and/or" and "or" render the claim indefinite as it is unclear which structures are present and required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claim 1, 3, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Patti (4,619,618).

Regarding claim 1, Patti discloses a flushing system for a marine propulsion system (col. 3, ll. 45-50) that comprises an attachment means (20) that allows for cooling fluid to flow into the system, an attachment means (24) that allows for cooling fluid to flow out of the system (col. 4, ll. 9-15), a first extension means (16') that connects the upstream cooling fluids to the flushing system inlet thereby allowing the flushing system to be located some distance from the propulsion system, a second extension means (16) that connects the flushing system outlet to the downstream cooling fluid thereby allowing the flushing system to be located some distance from the

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propulsion system as seen in Figure 4 (col. 3, ll. 63-68 onto col. 4, ll. 1-5), and a means for regulating flow (26) of cooling fluids into and out of said system (26)(col. 4, ll. 25-27).

Regarding claim 3, Patti further discloses an extending portion (41) that can direct fluid out of the common chamber and that contains sealing means that ensure that fluids flow through and not around said extending portion (col. 5, ll. 36-40).

Regarding claim 18, Patti further discloses that the flushing system comprises a fluid directing means (26 and 41) that can direct fluid normally destined for cooling the engine overboard or into a drain, and a fluid directing means (39) normally connected to the flushing system that can be used as the inlet for the engines cooling system.

#### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patti in view of Gervais (5,362,265).

Patti has taught all the features of the claimed invention except a feature that allows for the attachment of measuring means used for measuring attributes of the fluid passing through the flushing system. Gervais teaches the use of a feature (72) that allows for the attachment of measuring means used for measuring attributes of the fluid passing through a flushing system (col. 8, ll. 3-10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the pressure sensor of Gervais onto the inlet conduit of Patti, in order to have make sure that the system is being properly flushed as taught by Gervais (col. 8, ll. 3-10).

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patti in view of Gervais as applied to claim 2 above and further in view of Koch et al. (3,976,095).

Patti-Gervais in combination has taught all the features of the claimed invention except that a plurality of indicating symbols and/or alphanumerics that aid in the inserting, repositioning, retaining, or removing of said fluid directing, metering, or directing means. Koch et al. teach the use of indicating symbols (96 and 98, col. 4, ll. 45-54) and alphanumerics (col. 4, ll. 26-29) that aid in the repositioning of said fluid directing means.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the indicating symbols and the indicia of Koch et al. onto the valves of Patti and Gervais, in order to indicate the position of the valves.

#### ***Allowable Subject Matter***

17. Claims 5-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

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18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maxon (3,550,612), Fulks (4,789,367), Bates (5,251,670), and Parker (5,295,880) disclose other types of flushing systems.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Nicolas can be reached on (571) 272-4931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS  
September 30, 2005

*Craig Schneider 9/30/05*  
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Patent Examiner  
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